

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ALLSTATE INSURANCE COMPANY, ET. AL.,	§	
	§	
	§	
Plaintiffs	§	
	§	
	§	
vs.	§	Civil Action No. 3:08CV-0388-M
	§	
	§	
MICHAEL KENT PLAMBECK, D.C., ET. AL.,	§	
	§	
	§	
Defendants	§	
	§	

**AGREED MOTION TO DISMISS IN REGARD TO DEFENDANTS
RODNEY SIPES AND SIPES & ASSOCIATES, PLLC
(FORMERLY KNOWN AS SIPES & BOUDREAUX, PLLC)**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Come now Allstate Insurance Company, Allstate Indemnity Company, Allstate Property & Casualty Insurance Company, and Allstate County Mutual Insurance Company, Plaintiffs, and Rodney Sipes and Sipes and Associates, PLLC (formerly known as Sipes & Boudreux, PLLC), two of the Defendants, and file this Joint Motion to Dismiss pursuant to Federal Rule of Civil Procedure 41(a)(2), and would respectfully show the Court as follows:

**I.
Summary**

1. Plaintiffs and Defendants Rodney Sipes and Sipes and Associates, PLLC (the "Moving Defendants") have come to agreement to resolve the matters in controversy between them. As a part of the resolution, Rodney Sipes agrees that he will appear at the

trial of this cause of action without necessity of subpoena. Plaintiffs and the moving Defendants request the Court to enter an order which will dismiss Rodney Sipes and Sipes and Associates, PLLC and an order for Rodney Sipes to appear at trial.

II.

2. Rodney Sipes and Sipes and Associates, PLLC have answered in this lawsuit. Rodney Sipes and Sipes and Associates, PLLC have brought no counter-claims or cross-claims in this lawsuit.

3. Rodney Sipes is an attorney licensed to practice in the State of Texas. Mr. Sipes is also admitted to practice in the U.S. District Courts for the Northern District of Texas and the Southern District of Texas, as well as the U.S. Court of Appeals for the Fifth Circuit.

4. Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs and the Moving Defendants request that the Court enter an Order dismissing the moving Defendants (Rodney Sipes and Sipes and Associates, PLLC), and providing that Rodney Sipes will appear at the trial of this case to testify as a witness if requested by Plaintiffs.

5. Plaintiffs do not move to dismiss any other Defendant, aside from Rodney Sipes and Sipes and Associates, PLLC, by this Motion.

Respectfully submitted;

Respectfully submitted;

/s/
DAVID KASSABIAN
STATE BAR #11105600
BRET WEATHERFORD
STATE BAR #20998800

**KASSABIAN, DOYLE
& WEATHERFORD, P.C.**

2261 Brookhollow Plaza Dr.
Suite 300
Arlington, Texas 76006
817/460-5099 (Local)
817/461-8855 (Metro)
817/274-9863 (Facsimile)

ATTORNEYS FOR PLAINTIFFS

/s/
RODNEY SIPES
STATE BAR # 18349600

SIPES & ASSOCIATES, PLLC

3007 West Alberta Road
Edinburg, Texas 78539
956/ 631-8080
956/631-8088 (Facsimile)

DEFENDANT PRO SE and
ATTORNEY FOR DEFENDANT
SIPES & ASSOCIATES, PLLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Agreed Motion to Dismiss in Regard to Defendants Rodney Sipes and Sipes & Associates, PLLC (Formerly Known as Sipes & Boudreux, PLLC has been served on the following, via electronic filing and certified mail, return receipt requested, as outlined below, this the 27th day of January, 2009.

Mr. Kenneth R. Stein
Matthews, Stein, Shiels, Pearce,
Knott, Eden & Davis, L.L.P.
8131 LBJ Freeway, Suite 700
Dallas, TX 75251
VIA ELECTRONICALLY

Mr. Robert H. Renneker
Attorney at Law
1412 Main Street, Suite 210
Dallas, TX 75202
VIA ELECTRONICALLY

Mr. Thomas Magelaner
Attorney at Law
1557 Vernon Odom Blvd., Suite 201
Akron, Ohio 44320
VIA ELECTRONICALLY

Mr. Robert Kubicki
Attorney at Law
2401 Turtle Creek Blvd.
Dallas, TX 75219
VIA ELECTRONICALLY

Mr. Roland Toca, II
21123 West 118th Terrace
Olathe, KS 66061
VIA CM/RRR 7008 0150 0001 5695 9745 VIA CM/RRR 7008 0150 0001 5695 9752

Mr. Angel Junio
610 Baronne Street
New Orleans, LA 70113-1004
VIA CM/RRR 7008 0150 0001 5695 9769 VIA CM/RRR 7008 0150 0001 5695 9776

Mr. Kenton Hutcherson
The Hutcherson Law Firm
3102 Oak Lawn Ave., Suite 700
Dallas, TX 75219
VIA ELECTRONICALLY

Mr. Rodney Sipes
Sipes & Associates, PLLC
3007 West Alberta Road
Edinburg, TX 78539
VIA ELECTRONICALLY

Mr. Allen Boudreaux, Jr.
3421 Causeway Blvd., Suite 102
Metairie, LA 70002
VIA ELECTRONICALLY

Mr. Robert Ekin, D.C.
6326 West Wellington Way, Apt. D
McCordsville, IN 46055
VIA CM/RRR 7008 0150 0001 5695 9738

Mr. Randall Toca
1919 Veterans Blvd., Suite 303
Kenner, LA 70062
VIA CM/RRR 7008 0150 0001 5695 9752

Mr. Eugene X. Mercier
P. O. Box 864
Corpus Christi, TX 78401
VIA CM/RRR 7008 0150 0001 5695 9776

Mr. John S. Flint
Law Office of John S. Flint
710 Buffalo, Suite 410
Corpus Christi, TX 78401
VIA CM/RRR 7008 0150 0001 5695 9783

/s/ David Kassabian
DAVID KASSABIAN